

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

BRYAN DURELL LYNCH

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CRIMINAL NO. 6:07-CR-94-01

**REPORT & RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On August 7, 2013 the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant Bryan Durell Lynch. The government was represented by Richard Moore, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Greg Waldron.

Defendant originally pled guilty to the offense of Conspiracy to Possess with Intent to Distribute and Distribution of at least 200 Grams but less than 300 Grams of Cocaine, a Class C felony. The offense carried a statutory maximum imprisonment term of 20 years. The United States Sentencing Guideline range, based on a total offense level of 17 and a criminal history category of V, was 46 to 57 months. District Judge Leonard Davis sentenced Defendant to 36 months imprisonment followed by 3 years of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosures, substance abuse testing and treatment, and obtaining his General Education Development certificate. On March 22, 2011, Defendant completed the term of imprisonment and began his term of supervised release.

In its petition, the government alleges that Defendant violated his terms of supervised release by not taking the necessary steps to obtain his General Education Development certificate within the first two years of his term of supervised release.

Under the terms of supervised release, Defendant was required in relevant part to obtain his General Education Development certificate. If the Court finds by a preponderance of the evidence that Defendant violated the conditions of his supervised release by evading arrest or detention, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the Court may: (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of V, the Guideline imprisonment range for a Grade C violation is 7 to 13 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to the government's petition. In exchange, the government agreed to recommend that Defendant serve 13 months to run consecutive to Defendant's sentence in 42254-A in the 188th District Court in Gregg County, TX, and consecutive to Defendant's sentence in 16,373 in the 115th District Court in Upshur County, TX, with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Bryan Durell Lynch be committed to the custody of the Bureau of Prisons for a term of imprisonment of 13 months with no supervised release to follow.

Defendant has waived her right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to Chief District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 8th day of August, 2013.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE